



PATENT  
Docket No.: 2807.2.14.12

**DECLARATION, POWER OF ATTORNEY AND PETITION**

We, Michael H. Myers, Clark C. Guest, John N. Hait, and Peter D. Sahagen, having residence and post office addresses of 12947 Creek Park Drive, Poway, California 92064, 8722 Menkar Road, San Diego, California 92126, 10776 Portobelo Drive, San Diego, California, 92127 and 9797 Waples Street, San Diego, California 92121, respectively; verily believe we are the original, first and co-inventors of the subject matter of the invention or discovery entitled "ORTHOGONAL-CODE, PHOTONIC MULTIPLEXING," for which a patent is sought and which is described and claimed in the specification of application Serial No. 09/881,659, filed on June 13, 2001; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

I claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed pending application Serial No. 09/690,676, filed October 16, 2000 and entitled "PHOTONIC, DELAY-DOMAIN-MULTIPLEXING APPARATUS AND METHOD"; and, insofar as the subject matter of the claims of this application are not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which became available between the filing date of the earlier filed application and the filing date of this application.

We hereby appoint as our attorneys, A. John Pate, Gary D.E. Pierce and Hal D. Baird, Registration Nos. 36,234, 38,019 and 42,284, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.


All correspondence and telephonic communications should be directed to:

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Bank One Tower  
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Salt Lake City, Utah 84101

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

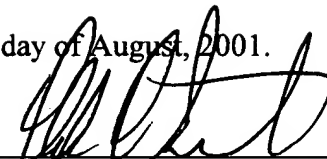
Signed at San Diego, California, this 21 day of August, 2001.

Inventor

  
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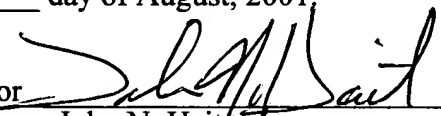
Signed at San Diego, California, this 21<sup>st</sup> day of August, 2001.

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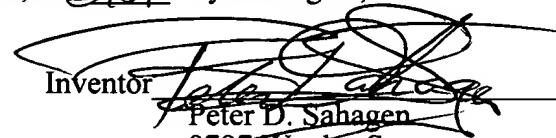
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